

## **MINUTES**

### **BOARD OF SELECTMEN**

Monday, June 20, 2016, 5:00PM

#### **Regular Meeting**

**Location:** Town Hall – Earle Mountain Hearing Room

**Present:** John Knight, Chair, William O'Shea, Vice Chair, Linda Burt, Clerk, Wallace Adams, Elizabeth Gawron, Jacqui Beebe, Assistant Town Administrator, Sheila Vanderhoef, Town Administrator

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Chair John Knight called the meeting to order at 5:00PM.

### **PUBLIC/SELECTMEN INFORMATION**

Elizabeth Gawron made a motion that the Eastham Board of Selectman to send a letter to Congress and President Obama in support of controls on access to assault weapons. The letter should include the following points:

1. Ban on possession and sale of all semi automatic and assault weapons
2. Prohibition on the sale of guns to anyone on the terrorist watch list
3. Expanded background checks for potential purchasers

Linda Burt seconded the motion

#### **Discussion:**

During the discussion, Selectman Adams stated that he agreed with portions of the motion, however, he did not agree with all of the points to be included and therefore could not support it. He did express support for prohibition of sale to anyone on the terrorist watch list ("no fly, no buy") and expanded background checks as noted in the motions as numbers 2 and 3.

### **VOTE: Yes 4, No 1 (Wallace Adams)**

John Knox, Salt Winds Drive

A quick request regarding the upcoming budget - the calls on the Town with debt is very high and Mr. Knox would like the budget to be considered as efficiently as possible.

Vicky Anderson, Massasoit Road

First – Thank you for the work done on the Sandy Meadow Trail. It is a beautiful trail to walk.

Second – Ms. Anderson handed out a letter to the Board on behalf of the Dog Owner's Association and asks that the Board consider allowing dogs on the Windmill Green. Signs could be placed on the green stating that all dogs must be leashed and that owner's are responsible for picking up after the dogs. The letter was signed by the officers and members of the association.

### **LICENSING**

#### Transient Vendor Permits

Linda Burt made a motion to approve all licenses listed

Wallace Adams seconded the motion

### **VOTE: Yes 5, No 0**

#### Letter from the Massachusetts State Lottery Commission – Keno License for Sandpiper Sports Pub

Linda Burt made a motion that the Board will not object to a Keno License for the Sandpiper Sports Pub based on the fact that there was a license at this location under the previous owner and Chief Ed Kulhawik has agreed

Wallace Adams seconded the motion

### **VOTE: Yes 5, No 0**

### **APPOINTMENTS**

#### POCCA – Laura Kelley

Laura Kelley thanked Eastham for sending a letter expressing concerns about Eversource's plans to spray herbicides.

This year's Yearly Operating Plan (YOP) identified 8 Towns where Eversource will spray under power lines. Eastham is not one of the 8 but POCCA is asking Eastham's support to stop the spraying which impacts all of Cape Cod. Ms. Kelley introduced Ben deRuyter from Brewster who has joined POCCA as the Government Liaison.

Mr. deRuyter advised that his role is liaison between POCCA and Towns working to take MDAR to adjudication if the vote on the 2016 YOP is positive. To do this, Mr. deRuyter is forming a committee with representation from Brewster, Orleans, Chatham and Eastham. He asked the Board to appoint a liaison from Eastham this evening. Total funding of \$60,000 is needed to file the legal documents needed and Mr. deRuyter suggests this amount be split by the 4 Towns. It is an historic endeavor with a very tight deadline as MDAR has 21 days to review and approve the YOP once it is issued and it could be issued this week. Attorney Bruce Taub has offered to top his fees at the \$60,000 so the fee per Town would be \$15,000.

Ben deRuyter would like to come back to a future meeting to provide additional information to the Board. Laura Kelley asked that a liaison be appointed tonight so that they can move forward. The Board agreed to have Mr. deRuyter back on their agenda on July 5, 2016. At this time, the Board will not appoint a liaison but may be able to at the July 5, 2016 meeting.

Bruce Taub, Attorney in Orleans, advised that 15 Towns on Cape Cod have passed resolutions to stop herbicide spraying. Eversource is using old data and all Towns should focus on the pesticide companies. Mr. Taub considers the \$15,000 per Town funding a small investment for the future.

Eastham Chamber of Commerce – Jim Russo, Executive Director

Jim Russo reviewed the proposed resolution for the maintenance of the Cape Cod National Seashore.

William O'Shea made a motion to adopt the resolution

Elizabeth Gawron seconded the motion

**VOTE: Yes 5, No 0**

Sign BAN for Water Project and Rock Harbor Dredge and Sign SAAN for Library Project

Linda Burt made and read the motion as follows:

***VOTE OF THE BOARD OF SELECTMEN***

*I, the Clerk of the Board of Selectmen of the Town of Eastham, Massachusetts (the "Town"), certify that at a meeting of the board held June 20, 2016, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:*

*Voted: to approve the sale of a \$5,700,000 2.25 percent General Obligation Bond Anticipation Note (the "BAN") of the Town dated June 30, 2016, and payable June 16, 2017, to Eastern Bank at par and accrued interest, if any, plus a premium of \$79,490.62.*

*Further Voted: to approve the sale of a \$866,383 0.98 percent General Obligation Bond Anticipation Note (the "SAAN," and together with the BAN, the "Notes") of the Town dated June 30, 2016, and payable June 16, 2017, to Century Bank at par and accrued interest, if any.*

*Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 9, 2016, and a final Official Statement dated June 15, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.*

*Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule*

*15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.*

*Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.*

*I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted. at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.*

*Dated: June 20, 2016*

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Linda Burt, Clerk of the Eastham Board of Selectmen*

AM 58163343.1

Elizabeth Gawron seconded the motion for all 5 motions

**VOTE: Yes 5, No 0**

John Knight recessed the meeting of the Board of Selectmen at 5:44PM for the purpose of meeting as the Board of Water Commissioners.

John Knight reconvened the meeting of the Board of Selectmen at 5:50PM.

#### **ADMINISTRATIVE MATTERS**

Committee Appointment – Dilys Smith, Search Committee – Term Ends June 30, 2018

Linda Burt made a motion to approve the appointment of Dilys Smith to the Search Committee

Wallace Adams seconded the motion

**VOTE: Yes 5, No 0**

Committee Appointment – Robert Cook, Open Space Committee – Term Ends June 30, 2018

Linda Burt made a motion to approve the appointment of Robert Cook to the Open Space Committee

Wallace Adams seconded the motion

**VOTE: Yes 5, No 0**

Committee Appointment – Dr. James Taylor, Board of Health – Term Ends June 30, 2019

Linda Burt made a motion to approve the appointment of Dr. James Taylor to the Board of Health

Wallace Adams seconded the motion

**VOTE: Yes 5, No 0**

Committee Reappointments

Linda Burt made a motion to approve the list of committee reappointments

Elizabeth Gawron seconded the motion

**VOTE: Yes 5, No 0**

Recommendation of Chief Ed Kulhawik to appoint National Park Service Law Enforcement personnel; Detectives from Eastham, Truro and Wellfleet; Police Department Personnel as Special Police Officers/Police Officers for the Town of Eastham

Sheila Vanderhoef reviewed the list of various appointments she has made based on the recommendations per Chief Ed Kulhawik. Based on the Charter, the Board has 15 days to voice any concerns about these appointments.

Upcoming Committee Vacancies

Sheila Vanderhoef confirmed that this is information only for the Board and that if they have any thoughts on candidates for these openings, please let her know.

Orleans 4<sup>th</sup> of July Celebration Committee

John Knight and William O'Shea will attend. Wallace Adams and Linda Burt may attend and Elizabeth Gawron cannot attend. Wallace Adams will arrange for the car.

Request by Open Door Cape Cod, Inc. to Participate in Purple Flag Relay September 24 & 25, 2016

Sheila Vanderhoef confirmed that Eastham participated last year and that Chief Ed Kulhawik has approved the event. The Board also approved the event.

Request by Harbor to the Bay AIDS Benefit Bike Ride September 17, 2016

Sheila Vanderhoef confirmed that this is an annual event and Chief Ed Kulhawik has approved it. The Board also approved the event.

Timothy Smith Loan Applications

Taylor Hughes – New Application

William O'Shea will interview Taylor Hughes.

Elizabeth Loranger – Wallace Adams interviewed

Wallace Adams made a motion to approve the Timothy Smith Loan Application for Elizabeth Loranger

Elizabeth Gawron seconded the motion

**VOTE: Yes 5, No 0**

Renewal Applications for Anna Stewart and Kara Smith

Linda Burt made a motion to approve the renewal applications for Anna Stewart and Kara Smith

Wallace Adams seconded the motion

**VOTE: Yes 5, No 0**

**TOWN ADMINISTRATOR'S REPORT**

Sheila Vanderhoef provided the following updates:

- Water Project
  - Estimated loan forgiveness in debt schedules in warrants was 3%. The actual forgiveness is 4.25% this year which is \$1.687 million.
  - Will apply for Phase 2 SRF in October
  - Took a tour with the CPC-Water Committee today to view progress at well sites and tower
  - When school is out for the summer, construction will increase
- Water Project Construction
  - Have had to close roads at various locations for much of this week due to safety concerns
  - Have met with and received feedback from a taxpayer due to the closure of Kingsbury Beach Road. Based on the feedback, signage will be improved and officers to direct traffic will be increased.
- The first meeting of the EEPTRTA will be on July 9<sup>th</sup>, 9AM at the Elks
  - Sheila will provide updates on the Water Project, Roads to explain the curb stop location process

- The transfer station will be closed on July 4<sup>th</sup> and they will be going to the 6 day summer schedule that week

#### **ADJOURNMENT**

John Knight made a motion at 6:08PM to adjourn to executive session to discuss strategy with respect to Orleans v. Eastham, Orleans v. Eastham Conservation Commission, DEP Superseding Order of Conditions and Kenneth & Tara Mitchell v. Eastham Conservation Commission when an open meeting may have a detrimental effect on the litigating and negotiating position of the public body and the chair is so declaring.

**Roll Call Vote: John Knight, Yes; Wallace Adams, Yes; Linda Burt, Yes; Elizabeth Gawron, Yes; William O'Shea, Yes**

Respectfully submitted,



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Laurie Gillespie-Lee